

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3405 OF 2009
(Arising out of SLP (C) No. 12441 of 2008)

Ramesh Kumar Aggarwal

.....Appellant

Versus

Rani Ravindran and Ors.

.....Respondents

JUDGMENT

H.L. Dattu,J.

- 1) Leave granted.
- 2) Tenant's appeal, inter-alia challenging the judgment and the order passed by the High Court in RCR No.18 of 2008 dated 29.02.2008, wherein the Court has rejected the revision petition and confirmed the order passed by the Additional Rent Controller, Delhi in Case No. E-17/05 dated 20.11.2007, rejecting the tenant's application seeking leave to defend the

eviction petition and has passed an order of eviction against the tenant/appellant.

3) The respondent herein who claims to be the landlord of the premises has filed eviction petition against the appellant/tenant on several grounds, including for her bonafide use and occupation before Addl. Rent Controller, Delhi. After receipt of summons from the said authority, the appellant/tenant had filed an application seeking leave to defend. The said application is rejected by the Addl. Rent Controller and the said order is confirmed by the High Court while rejecting the revision petition filed by the tenant. That is how the tenant is before us in this appeal.

4) We have heard the learned counsel for the parties to the lis and we have also perused the application filed by the tenant seeking leave to defend in the eviction petition filed by the landlord. In our opinion, the Addl. Rent Controller ought not to have rejected the application, since in our opinion, the tenant has framed and formulated several triable issues which requires to be considered at the time of trial. Therefore, in our view, the High Court was not justified in rejecting the revision petition filed against the order passed by the Addl. Rent Controller, Delhi.

5) In the result, we allow this appeal and set aside the impugned order passed by the High Court and the Addl. Rent Controller, Delhi in Case No.E-17/05 dated 20.11.2007 and direct the Rent Controller to grant leave

to the tenant to defend and decide the case on merits in accordance with law. Since the matter is pending for the last four years, we direct the Addl. Rent Controller, Delhi to dispose of the eviction petition as expeditiously as possible and at any rate within six months from the date of receipt of copy of this Court's order, without being influenced by any observations made by the High Court while disposing of R.C.R. No.18 of 2008 dated 29.02.2008.

No order as to costs.

**New Delhi,
May 08, 2009.**

.....J.
[TARUN CHATTERJEE]

.....J.
[H.L. DATTU]

